

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GO GLOBAL RETAIL LLC,

Plaintiff,

v.

DREAM ON ME, INC.,

Defendant.

Case No. 1:23-cv-07987-AS

CIVIL ACTION

**CHART IN SUPPORT OF
MOTION TO DISMISS**

Pursuant to the Court's Individual Practices Rule 8(G)(i), Defendant, Dream On Me Industries, Inc., i/p/a Dream On Me, Inc. ("DOM"), respectfully submits the chart below in support of DOM's Motion to Dismiss the Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), that was filed by Plaintiff, Go Global Retail, Inc. ("Plaintiff"):

1. Plaintiff's Complaint is barred by the Bankruptcy Order entered by the United States Bankruptcy Court for the District of New Jersey, styled *In re Bed Bath & Beyond, Inc., et al*, Case No. 23-cv-13359-VFP, on July 11, 2023. See Sale Order, ECF No. 1314, attached to Declaration of Jessica M. Carroll, Esq., as Exhibit A.

Counts I and II – Breach of Contract and Attorneys' Fees

2. Plaintiff has not plausibly plead damages as a result of a breach of an agreement made between the parties.

Count III – Unjust Enrichment

3. Plaintiff has not plausibly plead that: (1) DOM was enriched at Plaintiff's expense, or (2) that equity prevents DOM from retaining the damages Plaintiff wishes to recover.

Count IV – Conservative Trust

4. Plaintiff has not plausibly plead that: (1) DOM made a promise to Plaintiff not to submit an independent bid, (2) that damages resulted from reliance on that promise, or (3) that DOM was unjustly enriched.